<u>REMARKS</u>

Entry of this Amendment and reconsideration are respectfully requested in view of the amendments made to the claims and for the remarks made herein.

Claims 1-14 are pending and stand rejected.

Claims 1, 4, 5, 6 and 7 have been amended.

Claims 12-14 stand rejected under 35 USC 112, first paragraphs as failing to comply with the written description.

Applicant respectfully disagrees with and explicitly traverses the reason for the rejection. However, claim 12 has been further amended to more clearly recite that the generation means recited in claim 7 is composed of a first and second generation means. No new matter has been added. Support for the amendment may be found at least in Figure 3.

For the amendments, applicant submits that the claims now reflect the subject matter recited in the specification and the reason for the rejection has been overcome.

Claims 1-4 and 9 stand rejected under 35 USC 102(e) as being anticipated by Klock (USP no. 7,382,366).

Applicant respectfully disagrees with and explicitly traverses the rejection of the claims. However, the independent claims have been amended to further recite that the system frequency is managed "… by maintaining a level of input and output buffers to prevent said output buffers from being starved of data while said input buffers include data that is blocked from said processing system." No new matter has been added. Support for the amendment may be found at least on page 9, lines 6-15.

Klock discloses a method for determining overclocking parameters in a graphic system by altering the frequencies of a processor and memory to maintain a number of errors in a graphic display below a threshold number of errors. (see col. 3, lines 40-50).

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However, Klock fails to provide any teaching regarding determining an operating frequency by monitoring the input and output buffers to prevent starving of the output buffer while unblocking the input buffer.

A claim is anticipated only if each and every element recited therein is expressly or inherently described in a single prior art reference.

Klock cannot be said to anticipate the subject matter recited in the independent claims, as Klock fails to expressly or inherently describe each and every element recited in the independent claim.

For the amendments made to the claims, applicant submits that the reason for the rejection has been overcome and respectfully requests that the rejection be withdrawn.

With regard to the rejection of the remaining claims, these claims ultimately depend from the independent claims and, thus, are also allowable by virtue of their dependence from an allowable base claim.

Claims 5, 7, 8 and 11 stand rejected under 35 USC 103(a) as being unpatentable over Williams (USP no. 5,774,704) in view of Rosno (USP no. 6,535,986).

Applicant respectfully disagrees with and explicitly traverses the rejection of the claims. However, independent claims 5 and 7 have been amended to further recite that the clock is adjusted to satisfy timing constraints by "… maintaining a level of input and output buffers to prevent said output buffers from being starved of data while said input buffers include data that is blocked from said processing system." This amendment is similar to that made with regard to claim 1.

Williams discloses a computer system having a cpu, a device for dynamic cpu clock adjustment. The device is comprised of a clock pulse generator for generating a clock frequency. The clock frequency is coupled to the cpu and is used by the cpu to synchronize and pace its internal operations. The clock frequency generated by the generator is variable over a range. A controller interfaces with the computer system through an interface coupled to the controller. Through the interface, the controller communicates with the computer system or cpu and determines a load placed on the cpu. The controller adjusts the clock frequency generated by the clock pulse generator such that the clock frequency increases with the load on the cpu increased and decreases when

the load on the cpu decreases. Williams discloses using a software program to determine processing load on the cpu (see col. 3, lines 34-50.)

Rosno discloses a method of adjusting the operating or timing margin of a clocked system. An initial or default frequency of the clock is set and clock control setting, such as duty cycle, VCO rang and gain are initialized and set at a default value. The clock frequency is incrementally increased until specified tests fail. Upon failure of the tests, one or more clock control settings are adjusted and the tests are run again at the failing frequency. This process is repeated until a clock control setting is found that provides an acceptable amount of operating or timing margin (see col. 6, lines 5-11).

In order to establish a *prima facie* case of obviousness, three basic criteria must be met, 1. there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine the reference teachings, 2. there must be a reasonable expectation of success; and 3. the prior art reference must teach or suggest all the claim limitations.

In this case, a *prima facie* case of obviousness has not been made as each of the elements recited in the claims is not disclosed by the combination of Williams and Rosno, as neither reference discloses adjusting the frequency by managing the input and output buffers, as is recited in the claims.

For the amendments made to the independent claims 5 and 7 and for the remarks made herein, applicant submits that the combination of Williams and Rosno fails to include all the elements recited in the claims. Accordingly, the subject matter recited in the independent claims is not render obvious. Applicant respectfully requests that the rejection be withdrawn and the independent claims allowed.
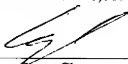
With regard to the rejection of the remaining claims, these claims depend from one of the independent claims, and, hence, these claims are not rendered obvious by the combination of the combination of Williams and Rosno, for at least its dependency upon allowable base claim.

For the amendments made to the claims and for the remarks made herein, applicant submits that the reason for the rejection has been overcome and respectfully requests that the rejection be withdrawn.
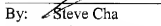
For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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